

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HERBST CONSTRUCTION, INC.,

Defendant.

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Case No. 8:08CR99

**ORDER ON JUDGMENT AND
CONVICTION**

On the 15th day of April 2008, defendant Herbst Construction, Inc. appeared before the court in response to the Information charging a violation of Title 33, United States Code, Section 407, that is, the depositing of refuse matter into a navigable water of the United States in excess of a permit issued by the Army Corps of Engineers. The United States was represented by Assistant United States Attorney, Michael P. Norris. The defendant was represented by its President Michael E. Herbst, and its counsel, Richard A. DeWitt.

The court received the minutes of the corporation authorizing the defendant to enter a plea. After arraignment on the criminal Information, defendant entered a plea of guilty to the Information. The court accepted the plea and plea agreement. The court, with no objection from either party, proceeded to sentencing.

IT IS HEREBY ORDERED that defendant Herbst Construction, Inc., is fined Seven Thousand Five Hundred Dollars (\$7,500). A special assessment of \$125.00 is also imposed. The fine and special assessment are due and payable immediately. No probationary period is imposed.

Dated this 16th day of April 2008.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge